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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|---|-------------|-----------------------|------------------------|------------------|
| 10/743,614  | 12/22/2003  | Juan-Antonio Carballo | AUS920030890US1 (4020) | 7571             |
| 45557   | 7590        | 03/22/2007            | EXAMINER               |                  |
| IBM CORPORATION (JSS)<br>C/O SCHUBERT OSTERRIEDER & NICKELSON PLLC<br>6013 CANNON MOUNTAIN DRIVE, S14<br>AUSTIN, TX 78749 |             |                       | TU, JULIA P            |                  |
|   |             | ART UNIT              | PAPER NUMBER           |                  |
|   |             | 2611                  |                        |                  |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/22/2007 | PAPER         |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |                        |  |
|------------------------------|------------------------|------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>    |  |
|                              | 10/743,614             | CARBALLO, JUAN-ANTONIO |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>        |  |
|                              | Julia P. Tu            | 2611                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Objections***

1. Claim 15 is objected to because of the following informalities: To avoid lack of antecedent basic, the examiner suggests to change "a second stage" in line 2 to "a second simpler stage". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites an apparatus for reducing power consumption by a clock and data recovery loop with a loop latency controller to monitor the modifications of the adjustments in the phase of the sampling clock, to determine the existence of spread spectrum clocking based upon pattern of the modifications, and, in response, to adapt a stage of the clock and data recovery loop; it is an abstract idea and it is unclear that how adapting a stage of the clock can reduce power consumption. Therefore, the claim is not used in a practical application to provide a useful, concrete, and tangible result.

Claim 10 recites a method for reducing power consumption comprise the steps of monitoring adjustments made in a phase of a sampling clock by a phase controller; modifying the adjustments in the phase of the sampling clock; monitoring the modifications of the adjustments; determining the existence of spread spectrum clocking

based upon a pattern of the modification; and adapting a stage of the clock and data recovery loop in response to determining the existence of spread spectrum clocking. Claim 10 does not explicitly recite the result in reducing power consumption; therefore, the claim is not used in a practical application to provide a useful, concrete, and tangible result.

Claim 16 recites a clock and data recovery loop with a loop latency controller to monitor the modifications of the adjustments in the phase of the sampling clock, to determine the existence of spread spectrum clocking based upon pattern of the modifications, and, in response, to adapt a stage of the clock and data recovery loop; it is an abstract idea and is not used in a practical application to provide a useful, concrete, and tangible result.

Claims 2-9, 11-15, 17-20 are rejected as incorporating the deficiencies of claim 1, 10, and 16 upon which it depends.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julia P. Tu whose telephone number is 571-270-1087. The examiner can normally be reached on 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.T.  
03/16/2007

*Chieh M. Fan*  
CHIEH M. FAN  
SUPERVISORY PATENT EXAMINER